REMARKS

Claims 1-15 and 17-30 have been examined. By this Amendment, Applicant cancels claims 25-30.

Claim Rejections

Claims 1, 8, 9, 25, 27, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,314,575 to Billock et al. (hereinafter "Billock") and U.S. Patent No. 5,751,282 to Girard et al. (hereinafter "Girard") in view of U.S. Patent No. 6,317,881 to Shah-Nazaroff et al. (hereinafter "Shah-Nazaroff"). Applicant respectfully traverses these grounds of rejections.

Claims 25, 27, and 28 are canceled without prejudice or disclaimer. Accordingly, this rejection is moot with respect to these canceled claims.

With respect to the remaining rejected claims, claims 1, 8, and 9 are independent. These independent claims *inter alia*, in some variation, recite: the statistical data with regard to viewing of the program comprises one of a viewing rate for the past program broadcast in accordance with the schedule from the center device, a number of requests for the past program, and information based on the viewing rate and the number of requests.

The Examiner acknowledges that Billock and Girard do not disclose or suggest the above-quoted unique features (*see* page 5 of the Office Action). The Examiner, however, contends that col. 5, line 9 to col. 6, line 22 of Shah-Nazaroff cures the above-identified deficiencies of Billock and Girard. Applicant respectfully disagrees.

Shah-Nazaroff discloses information relating to the program includes rankings with regard to viewing of the program, (col. 5, line 9 to col. 6, line 22). Shah-Nazaroff discloses that the list is ranked according to viewer characteristics and ratings. The list, however, is about broadcasts currently being aired, soon to be aired, currently available on pay per view or on demand (col. 5, lines 32 to 34). In short, Shah-Nazaroff provides the list to a viewer in order to encourage the viewer to purchase access to more programming sources in the future (col. 5, lines 37 to 39). In Shah-Nazaroff, the list includes information regarding broadcasts which the viewer can currently access.

In Shah-Nazaroff, the information is not related to the past program broadcast in accordance with the schedule from the center device, a number of requests for the past program, or information based on the viewing rate and the number of requests. That is, in Shah-Nazaroff, the viewing rate does not relate to the past program broadcast in accordance with the schedule from the center device.

Therefore, the statistical data with regard to viewing of the program comprises one of a viewing rate for the past program broadcast in accordance with the schedule from the center device, a number of requests for the past program, and information based on the viewing rate and the number of requests, as set forth in some variation in the independent claims 1, 8, and 9 is not suggested by the combined disclosure of that Billock, Girard, and Shah-Nazaroff, which lack having information relating to the past programs. For at least these exemplary reasons, independent claims 1, 8, and 9 are patentable over the combined disclosure of these references.

Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1, 8, and 9.

Claims 2, 3, 5, 10, 11, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock, Girard, and Shah-Nazaroff in view of U.S. Patent No. 5,920,700 to Gordon et al. (hereinafter "Gordon"). Applicant respectfully traverses this rejection in view of the following comments.

It was already demonstrated that the combined disclosure of Billock, Girard, and Shah-Nazaroff do not disclose or suggest all of the unique features of claims 1 and 9. Gordon is cited only for its disclosure of erasing a program and as such clearly does not cure the deficient disclosure of these references. Accordingly, claims 2, 3, 5, 10, 11, and 13 are patentable at least by virtue of their dependency on claim 1 or claim 9.

In addition, dependent claim 2 *inter alia* recites the information indicating the selection of allowance or the rejection of transmitting is one indicating whether or not the center device stores the program at a transferable condition to the terminal device in accordance with a request. Billock, Girard, and Shah-Nazaroff do not disclose the above-quoted unique features of claim 2.

For example, Billock discloses only permitting the subscribers to access programs. Billock merely indicates whether or not a subscriber can view program in accordance with the conditions of a contract of each subscriber. That is, Billock does not disclose or suggest the information indicating the selection of allowance or the rejection of transmission, which clearly does not depend on the conditions of a contract of each viewer.

The Examiner, however, alleges that Gordon cures the above-identified deficiencies of these references (*see* page 8 of the Office Action). Applicant respectfully disagrees.

Specifically, Gordon discloses the ability to erase programs that are not used or when they have not been sent (col. 5, lines 40 to 65 and col. 6, lines 1 to 40). Gordon discloses erasing programs that are not used, or when they have not been sent in order to secure a storage space for copying the assets. Gordon does not disclose or suggest the information indicating the selection of allowance or the rejection of transmitting. That is, Gordon does not disclose or suggest indicating whether or not the center device stores the program at a transferable condition to the terminal device in accordance with a request.

For at least these additional exemplary reasons, claim 2 is patentable over the combined disclosure of Billock, Girard, Shah-Nazaroff, and Gordon.

Claims 4, 6, 12, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock, Girard, Shah-Nazaroff, and Gordon in view of U.S. Patent No. 6,378,036 to Lerman et al. (hereinafter "Lerman"). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Claims 4, 6, 12, and 14 depend on claim 1 or claim 9. Applicant has already demonstrated that Billock, Girard, Shah-Nazaroff, and Gordon do not disclose or suggest all of the unique features of claims 1 and 9. Lerman does not cure the deficient disclosure of these references. Accordingly, claims 4, 6, 12, and 14 are patentable at least by virtue of their dependency on claim 1 or claim 9.

In addition, dependent claim 4 recites the transmission allowance selecting device selects allowance or rejection of transmitting the program on the basis of the viewing frequency or the request frequency. The Examiner contends that Lerman discloses these unique features of claim 4 (*see* page 10 of the Office Action). Applicant respectfully disagrees.

Lerman discloses a technique used for regulating the number of users viewing a certain program and controlling the amount of available bandwidth. In Lerman, a queue is provided to designate allowance or rejection of transmission in accordance with the user's request. In other words, Lerman relates to communications technology. Lerman does not disclose or suggest the information indicating the selection of allowance or the rejection of transmission being updated on the basis of the viewing rates or the number of requests. In short, the VOD system of Lerman does not disclose or suggest using the transmission allowance selecting device, as set forth in claim 4. For at least these additional exemplary reasons, dependent claim 4 is patentable over the combined disclosure of Billock, Girard, Shah-Nazaroff, Gordon, and Lerman.

Claims 7 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Billock and Shah-Nazaroff. Claim 26 has been canceled. Accordingly, this rejection is rendered moot with respect to claim 26. Independent claim 7 recites features that are somewhat similar to the features argued above with respect to claim 1. Accordingly, claim 7 is patentable for at least analogous reasons.

Claims 15-24, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Girard in view of Shah-Nazaroff. Applicant respectfully traverses this rejection in view of the following comments.

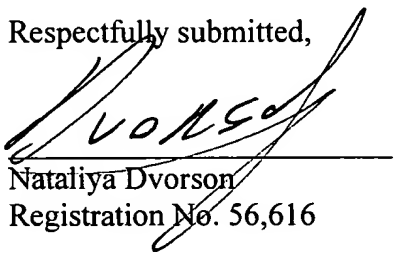
Claims 29 and 30 have been canceled. Therefore, this rejection is moot with respect to these claims. Of the remaining rejected claims, only claims 15 and 20 are independent. Claims 15 and 20 recite features analogous to the features argued above with respect to claim 1. Accordingly, claims 15 and 20 are patentable for at least analogous reasons. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 15 and 20 and their dependent claims 16-19 and 21-24.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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